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21 Attorneys for Defendants
22 GLAXOSMITHKLINE CONSUMER HEALTHCARE L.L.C.
23 and GLAXOSMITHKLINE CONSUMER HEALTHCARE,
24 L.P.

25 UNITED STATES DISTRICT COURT
26 NORTHERN DISTRICT OF CALIFORNIA

27 JENNIFER BORISSOFF and VALENTIN
28 BORISSOFF,

Plaintiffs,

vs.

GLAXOSMITHKLINE,
GLAXOSMITHKLINE CONSUMER
HEALTHCARE, GLAXOSMITHKLINE
CONSUMER HEALTHCARE L.L.C.,
GLAXOSMITHKLINE CONSUMER
HEALTHCARE, L.P.,

Defendants.

Case No. CV-08-3491 WHA

**STIPULATION TO FILE SECOND
AMENDED COMPLAINT**

Complaint filed: August 5, 2008

1 WHEREAS on August 5, 2008, plaintiffs Jennifer Borissoff and Valentin Borissoff filed
2 their First Amended Complaint for Personal Injuries and Loss of Consortium and Demand for
3 Jury Trial in the Northern District of California against GlaxoSmithKline, et al. (Case No. CV-
4 08-3491-WHA); and

5 WHEREAS GlaxoSmithKline Consumer Healthcare, L.P. ("GSK CH, L.P.") was served
6 with the First Amended Complaint on August 18, 2008; and

7 WHEREAS GlaxoSmithKline Consumer Healthcare L.L.C. ("GSK CH L.L.C.") was
8 served with the First Amended Complaint on August 18, 2008; and

9 WHEREAS GSK CH, L.P. and GSK CH, L.L.C., upon a stipulation to extend time,
10 timely filed answers to plaintiffs' First Amended Complaint; and

11 WHEREAS on October 6, 2008 counsel for plaintiffs and defendants convened and met
12 pursuant to Federal Rule of Civil Procedure 26;

13 WHEREAS, in defendants' Original Answer, Corporate Disclosures and Certification of
14 Interested Entities or Persons and at the Rule 26 meeting, counsel for defendants disclosed that
15 GSK CH, L.P. is a limited partnership; that GSK CH, L.L.C., a limited liability company, is the
16 sole general partner in GSK CH L.P.; that SmithKline Beecham Corporation d/b/a
17 GlaxoSmithKline is a limited partner in GSK CH, L.P.; and that SmithKline Beecham
18 Corporation d/b/a GlaxoSmithKline is the only member of GSK CH L.L.C. Furthermore,
19 defendants allege in their Original Answer that Block Drug Company, Inc. is the entity
20 responsible for the manufacture, design, distribution and related activities as to Poligrip. and

21 WHEREAS plaintiffs desire to amend their First Amended Complaint to add the Block
22 Drug Company, Inc. and SmithKline Beecham Corporation d/b/a GlaxoSmithKline and will
23 allege their respective business associations that, if proven, Plaintiffs contend will give rise to
24 either direct liability under the "alter ego" theory and/or vicarious liability under an agency
25 theory;

26 WHEREAS plaintiffs must serve defendants and the proposed additional defendants with
27 the Second Amended Complaint and the defendants and proposed additional defendants will need
28 to file a responsive pleading to the Second Amended Complaint; and

1 WHEREAS Federal Rule of Civil Procedure 15 allows plaintiffs to file an amended
2 complaint after one or more defendants appear with the consent of opposing party; and

3 WHEREAS even though defendants GSK CH L.P. and GSK CH L.L.C. do not believe
4 that SmithKline Beecham Corporation d/b/a GlaxoSmithKline is either a proper or necessary
5 party to this action, they have consented to the filing of plaintiffs' Second Amended Complaint
6 wherein Plaintiffs will add Block Drug Company, Inc. and SmithKline Beecham Corporation as
7 party defendants. It is understood and agreed by the parties that by this consent, GSK CH L.P.
8 and GSK L.L.C. are not waiving any defenses that either Block Drug Company, Inc. or
9 SmithKline Beecham Corporation d/b/a GlaxoSmithKline may have as to any of plaintiffs'
10 allegations against those entities.

11 IT IS HEREBY STIPULATED by and between the parties, through their respective
12 counsel, that plaintiffs shall be and are hereby allowed to file a Second Amended Complaint to
13 identify Block Drug Company, Inc. and SmithKline Beecham Corporation d/b/a
14 GlaxoSmithKline as additional defendants.

15 IT IS FURTHER HEREBY STIPULATED by and between the parties, through their
16 respective counsel, that defense counsel shall accept service of process on behalf of Block Drug
17 Company, Inc. and SmithKline Beecham Corporation d/b/a GlaxoSmithKline and that all
18 defendants shall have the statutory time to file responsive pleadings to the Second Amended
19 Complaint.

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1 IT IS FURTHER HEREBY STIPULATED by and between the parties, through their
2 respective counsel, that none of the present party defendants or the two future party defendants
3 to be added in the Second Amended Complaint are waiving any of their respective substantive
4 and/or procedural defenses and/or rights by virtue of this stipulation.

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6 Dated: October __, 2008

ARNOLD LAW FIRM 

By: _____
KIRK J. WOLDEN
Attorney for the Plaintiffs
JENNIFER BORISSOFF and VALENTINE
BORISSOFF

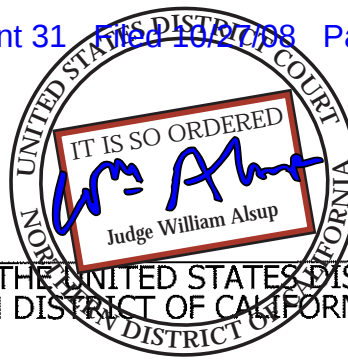
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11 Dated: October 22, 2008

LAFAYETTE & KUMAGAI LLP

12 /s/ Gary T. Lafayette
13 GARY T. LAFAYETTE
14 Attorneys for Defendant
15 GLAXOSMITHKLINE
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IT IS SO ORDERED.

Dated: October 27, 2008



JUDGE OF THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STIPULATION TO FILE SECOND AMENDED COMPLAINT